

DP 651/03 - 07

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2<sup>nd</sup> November 2004

*Amwygl Alun*

I refer to your recent Written Assembly Questions to Sue Essex about the appointment process in relation to ASPBs. I am responding because I have overall responsibility for public appointments.

**WAQ 38939 - What role, generally and specifically, do Assembly Government Ministers have in the appointment process of ASPB Board Members.**

Ministers are responsible for all appointments of ASPB Board Members. Appointments are made in accordance with the Assembly's Code of Practice for Ministerial Appointments to Public Bodies.

A Minister's role in an individual appointment process depends on the appointment being made. For higher profile appointments the Minister may decide to take an active role in the selection process and sit on the sift and interview panels, in which case the two Assembly Members nominated by the relevant subject committee will be invited to do so too. The Code requires Assembly Ministers to be consulted on all appointments that are made within their portfolio on three occasions, whether or not they sit on the selection panel. These are:

- before the exercise commences, when Ministers are asked to approve the appointment plan which sets out the main features of the process including the skills and experience required, the way that the post will be publicised and the timetable;
- after the sift panel has conducted the paper sift, when Ministers are asked to agree the shortlist of candidates selected for interview; and
- following the interviews, when Ministers are invited to consider the interview panel's report and make the final decision on the candidate to be appointed.

At each of these stages Ministers are required to consult the relevant subject committee nominees.

**WAQ 38940 - What role, generally and specifically, do Assembly Government Ministers have in the appointment process of ASPB Chief Executives.**

The precise nature of the WAG involvement in the appointment of ASPB Chief Executives is determined by the legislation establishing the body. Generally, however, the legislation provides for the first Chief Executive of a new ASPB to be appointed by the Assembly, with that function being delegated to the relevant portfolio Minister. Subsequent appointments are made by the ASPB Board but with the approval of the Assembly. In both cases the Assembly's Principal Accounting Officer will be given an opportunity to comment on the appointment because of the future post-holder's Accounting Officer responsibilities.

**WAQ 38941 - What specific actions are available to individuals who express concerns over the appointment process for ASPB Board Members.**

Should an individual have any concerns about an appointment process they should be raised with the Welsh Assembly Government. The Assembly's Code of Practice for Ministerial Appointments to Public Bodies (Chapter 5) sets out the process that will be followed in dealing with complaints or concerns.

If the Welsh Assembly Government is unable to resolve the concerns, the complaint can be referred to the Commissioner for Public Appointments, who will decide whether or not to investigate. The Commissioner will deal only with complaints that concern:

- an individual's experience as an applicant;
- the way an appointments process has been handled; or
- a challenge to the appointment of a successful candidate only if it appears that the appointment process has been breached.

**WAQ 38942 - What specific actions are available to individuals who express concerns over the appointment process for ASPB Chief Executives.**

The National Assembly for Wales has a "Code of Practice on Complaints" which sets out the procedure for handling complaints about actions or failures in the administrative processes of the Assembly. In the first instance individuals should pursue their complaint with the relevant policy area in which their complaint has arisen. Factual information and the reasons considered relevant to Ministerial decisions is automatically published in accordance with the Assembly's Code of Practice on Public Access to Information. Under the Code, individuals may also request information relating to decisions of the Assembly.

Concerns about any appointments made by an ASPB itself would be handled in accordance with their own procedures.

Arrangements are also in place within the Assembly and ASPBs to enable employees to raise matters of concern or any suspected wrongdoing.

*Yn ddiffuant*

*Rhodri*